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PROCUREMENT AND ENFORCEMENT
OF INTELLECTUAL PROPERTY

PATENT, TRADEMARK
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December 16, 2005

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: **Serial No. 10/731,364**
Response to Decision on Petition Dated November 17, 2005 for
PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE
Our Docket No. 02-11429

Dear Sir/Madam:

Please find enclosed a Response to Decision on Petition Dated November 17, 2005, Combined Declaration and Power of Attorney for Ted J. Brackett, Combined Declaration and Power of Attorney for C. Martin Smith, and certificate of mailing for the above referenced patent application. Kindly acknowledge receipt thereof by returning the enclosed postcard.

A check in the amount of \$400.00 is enclosed for filing fees, however any additional fees which may be required may be charged to our deposit account no. 03-2030.

Very truly yours,

CISLO & THOMAS LLP


Daniel M. Cislo

DMC/SAB/sd

Enclosures

Response to Decision on Petition Dated November 17, 2005
Combined Declaration and Power of Attorney for Ted J. Brackett
Combined Declaration and Power of Attorney for C. Martin Smith
Check for filing fees
Certificate of First Class Mail
Acknowledgment postcard

Z:\TMDOCS\02-11429\TRANSMITTAL LETTER RE RESPONSE TO DECISION ON PETITION RE FIRST NAMED INVENTOR.DOC

PATENT
Appl. No. 10/731,364
Our Docket No. 02-11429

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Customer Number
25189
PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of inventor(s):

Ted J. Brackett

Serial Number: 10/731,364
Filed: December 9, 2003

Examiner: Spisich, Mark
Art Unit: 1744

For: **PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE**

MAIL STOP PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO DECISION ON PETITION DATED NOVEMBER 17, 2005

Dear Sir:

A Decision on Petition ("Decision") for the above-referenced matter was issued on November 17, 2005 in response to Applicants' Request for Correction of First Named Inventor. In the Decision, Examiner Frances Hicks found that the previously filed Combined Declaration and Power of Attorneys for inventors Ted J. Brackett and C. Martin Smith individually identified each inventor as the sole inventor and requested that new executed oaths or declarations be filed, stating that each individual is a joint inventor, in compliance with 37 CFR 1.63(a)(2).

12/19/2005 TL0111 00000025 032030 10731364
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The PTO did not receive the following
listed item(s) check

Page 1 of 3

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PATENT

Appl. No. 10/731,364

Docket No. 02-11429

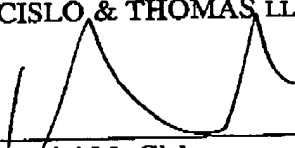
Applicants hereby enclose newly executed Combined Declarations and Powers of Attorney for Ted J. Brackett and C. Martin Smith in compliance with 37 CFR 1.63(a)(2). A check in the amount of \$400.00 is enclosed for filing fees.

Having responded to each of the issues addressed in the Decision on Petition, Applicants respectfully request that the application be allowed to issue. If a telephone interview will advance the issuance of the application, Applicants request the Examining Attorney contact Applicants' representative at the number listed below.

Respectfully submitted,

CISLO & THOMAS LLP

Date: December 16th, 2005


Daniel M. Cislo
Reg. No. 32,973
Tel.: (310) 451-0647 x128

DMC/SAB/sd

CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401
Tel: (310) 451-0647
Fax: (310) 394-4477
Customer No.: 25,189
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PATENT
Appl. No. 10/731,364
Docket No. 02-11429

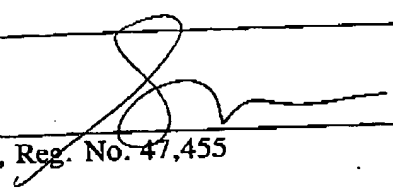
CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the U.S.

Patent and Trademark Office (fax no.: (571) 273-8300) on the date shown below:

Response to Decision on Petition Dated November 17, 2005

12/15/05


Sarah A. Brown, Reg. No. 47,455

12/15/05
Date

z:\vndocs\02-11429\request for correction of first named inventor.doc

Practitioner's Docket No. 02-11429

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for a continuation-in-part utility application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and joint inventor of the subject matter that is claimed, together with C. Martin Smith, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE, the specification of which was filed with the U.S. Patent Office on December 9, 2003.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. SECTION 120**

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

(Declaration and Power of Attorney—page 1 of 3)

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE
U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:**

U.S. APPLICATIONS		STATUS		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
60/245,078	11/01/00			X (Provisional Application)
6,666,925 B2	11/01/2001	X		

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Donald M. Cislo, Esq.	22,060
Charles H. Thomas, Esq.	25,710
Daniel M. Cislo, Esq.	32,973
Andrew S. Jordan, Esq.	33,917
Kelly W. Cunningham, Esq.	43,570
David B. Sandelands, Esq.	46,023
Sarah A. Brown, Esq.	47,455
Mark D. Nielsen, Esq.	52,068
Sean D. O'Brien, Esq.	52,080
Peter S. Veregge, Esq.	55,698

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**AUTHORIZATION OF ATTORNEY(S) TO ACCEPT AND
FOLLOW INSTRUCTIONS FROM REPRESENTATIVE**

The undersigned to this declaration and power of practitioner hereby authorizes the U.S. practitioner(s) named herein to accept and follow instructions from:

Daniel M. Cislo
Cislo & Thomas LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401-1211

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct

(Declaration and Power of Attorney--page 2 of 3)

communication between the U.S. practitioner(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. practitioner(s) will be so notified by the undersigned.

SEND CORRESPONDENCE AND DIRECT TELEPHONE CALLS TO:

Daniel M. Cislo
CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401-1211
USA
Telephone: (310) 451-0647
Telefax: (310) 394-4477
Email: dancislo@cislo.com

Customer Number 25,189

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor Name: Ted Brackett

Inventor's Signature T. Brackett

Date 12/9/05

Mailing Address 102 Rosecrans Avenue, Manhattan Beach, California, 90266

Country of Citizenship USA

Residence Manhattan Beach, California

Z:\TMDOCS\02-1143\REVISED DECLARATION OF TED BRACKETT.DOC

(Declaration and Power of Attorney--page 3 of 3)

Practitioner's Docket No. 02-11429

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

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This declaration is for a continuation-in-part utility application.

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My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, second and joint inventor of the subject matter that is claimed, together with Ted J. Brackett, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE, the specification of which was filed with the U.S. Patent Office on December 9, 2003.

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I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. SECTION 120

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

(Declaration and Power of Attorney—page 1 of 3)

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U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:**

U.S. APPLICATIONS		STATUS		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
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6,666,925 B2	11/01/2001	X		

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Andrew S. Jordan, Esq.	33,917
Kelly W. Cunningham, Esq.	43,570
David B. Sandelands, Esq.	46,023
Sarah A. Brown, Esq.	47,455
Mark D. Nielsen, Esq.	52,068
Sean D. O'Brien, Esq.	52,080
Peter S. Veregge, Esq.	55,698

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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Daniel M. Cislo
Cislo & Thomas LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401-1211

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct

(Declaration and Power of Attorney--page 2 of 3)

DEPT CHAIRS OFFICE

12/13/2005 05:41 626/950819

communication between the U.S. practitioner(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. practitioner(s) will be so notified by the undersigned.

SEND CORRESPONDENCE AND DIRECT TELEPHONE CALLS TO:

Daniel M. Cislo
CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401-1211
USA
Telephone: (310) 451-0647
Telefax: (310) 394-4477
Email: dancislo@cislo.com

Customer Number 25,189

DECLARATION

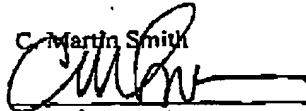
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor Name:

C. Martin Smith

Inventor's Signature



Date

12/13/05

Mailing Address

10978 Ayres Avenue, Los Angeles, California, 90064

Country of Citizenship USA

Residence Los Angeles, California

Z:\TMDC\902-11429\REVISED DECLARATION AND POWER OF ATTORNEY FOR C MARTIN SMITH.DOC

(Declaration and Power of Attorney—page 3 of 3)

PATENT
02-11429



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
BRACKETT, Ted J., et al.

Serial Number: 10/731,364

Examiner: Frances Hicks

Filed: December 9, 2003

Art Unit: Office of Petitions

For: **PAINT BRUSH AND MAKEUP BRUSH CLEANING DEVICE**

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FIRST CLASS MAILING

Dear Sir/Madam:

Enclosed herewith are the following:

1. Transmittal Letter (1 page);
2. Response to Decision on Petition Dated November 17, 2005 (3 pages);
3. Combined Declaration and Power of Attorney for Ted J. Brackett (3 pages)
4. Combined Declaration and Power of Attorney for C. Martin Smith (3 pages);
5. Check No. 31445 in the amount of \$400.00 for filing fees; and
6. Acknowledgement Postcard.

PATENT
02-11429

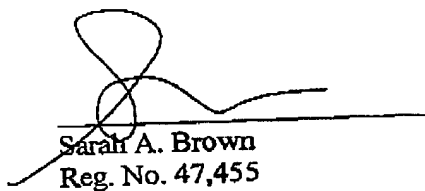
I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail under 37 C.F.R., § 1.8, on the date indicated herein and is addressed to:

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Respectfully submitted,

CISLO & THOMAS LLP

Date: December 15, 2005



Sarah A. Brown
Reg. No. 47,455

CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401-1211
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Tel: (310) 451-0647
Fax: (310) 394-4477
www.cislo.com

SAB/sd

Enclosures

As listed above

c:\mbox\02-11429\certificate of first class mail re response to decision on petition re first named inventor.doc